

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
DAVID PROPIS,

Plaintiff,

v.

MICHAEL CROW et al.,

Defendant.
----- X

**ORDER DENYING
DEFENDANT’S MOTION TO
QUASH SUBPOENA**

21 Civ. 588 (AKH)

ALVIN K. HELLERSTEIN, U.S.D.J.:

Defendants’ motion to quash the September 10, 2019 subpoenas served on six non-parties under Fed. R. Civ. P. 45 (ECF No. 27) is denied. Defendants’ arguments are without merit.


Defendants first argue that the information sought is “confidential and sensitive commercial information of *non-parties*.” Motion to Quash, ECF No. 27, at 4 (emphasis added). While Rule 45 may guard against such disclosures, Defendants lack standing to invoke those protections.

Defendant also argues that the information sought is irrelevant to Plaintiff’s claims for breach of contract and breach of loyalty / usurpation of corporate interests. *See id.* at 6–8. They further contend that even if the information is relevant, Plaintiff can obtain the information in a parallel arbitration proceeding against non-party, Sureste Partners, L.P. *See* Reply, ECF No. 35 at 6–7. Defendants cite Fed. R. Civ. P. 26(C)(i) for the proposition that “courts must limit discovery if it ‘can be obtained from other sources that is more convenient, less burdensome, or less expensive.’” *See id.* at 7 (quoting Fed. R. Civ. P. 26(C)(i)). Defendants cite no authority, however, indicating that a plaintiff seeking relevant information must be forced

to obtain it through a parallel proceeding. Defendants will not be burdened by other parties responding to the subpoenas. The Clerk shall terminate ECF No. 27.

SO ORDERED.

Dated: October 6, 2021
 New York, New York


ALVIN K. HELLERSTEIN
United States District Judge